

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ARMADA OIL & GAS CO., INC.,

Plaintiff,

vs.

Case No. 06-CV-10269  
HON. GEORGE CARAM STEEH

EPPCO, INC., et seq.,

Defendants.

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ORDER DENYING PLAINTIFF'S EMERGENCY MOTION TO ENJOIN TRADEMARK  
INFRINGEMENT (# 26), AND  
GRANTING IN PART DEFENDANT'S EMERGENCY MOTION FOR  
INJUNCTIVE RELIEF (# 27)

For the reasons placed on the record at a May 16, 2006 hearing,

Plaintiff Armada Oil & Gas Co., Inc.'s ("Armada") Emergency Motion for a Preliminary Injunction To Enjoin Trademark Infringement is hereby DENIED. Defendant Hakim Fakhoury's Emergency Motion for Injunctive Relief pursuant to 15 U.S.C. § 2805(b)(2) of the Petroleum Marketing Practices Act is hereby GRANTED, IN PART, on findings of the existence of serious questions going to a constructive termination claim which, on balance, merit injunctive relief to the extent that:

IT IS ORDERED that plaintiff Armada shall deliver as ordered petroleum products to defendant Fakhoury's station located at 41345 Ford Road, Canton, Michigan ("Ford Station"), at a commercially reasonable price, and defendants shall pay on delivery and document such ordered products and deliveries;

IT IS FURTHER ORDERED that plaintiff Armada shall release customary and reasonable credits to the defendants for regular credit card purchases, providing that Armada shall release such credits to the defendants for application toward Ford Road station petroleum product purchases immediately after British Petroleum releases the same credits to Armada; plaintiff Armada shall act reasonably to facilitate the release of such credits;

IT IS FURTHER ORDERED that this Order shall remain in effect until further order of the Court.

SO ORDERED.

s/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

Dated: May 17, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on May 17, 2006, by electronic and/or ordinary mail.

s/Josephine Chaffee  
Secretary/Deputy Clerk